

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**DWAYNE STAATS,**  
**Plaintiff**

**v.**

**CLAIRE DEMATTEIS, et al.,**  
**Defendants**

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**No. 1:22-cv-01962**  
**(Judge Rambo)**

**ORDER**

**AND NOW**, on this 27th day of February 2024, upon consideration of Defendants’ motions to dismiss (Doc. Nos. 23, 24), filed by Defendants DeMatteis, Gravell, and Collier (“Delaware Defendants”) (Doc. No. 23) and Defendants Wetzel and Little (“Pennsylvania Defendants”) (Doc. No. 24), and Plaintiff Dwayne Staats (“Plaintiff”)’s motion for a temporary restraining order and preliminary injunction (Doc. No. 37), **IT IS ORDERED THAT:**

1. The Delaware Defendants’ motion to dismiss (Doc. No. 23) is **GRANTED**, and Plaintiff’s Eighth Amendment claim is **DISMISSED WITH PREJUDICE**. The Clerk of Court is directed to **TERMINATE** the Delaware Defendants, as well as Defendant Kiley Palson, from the caption of this case;
2. The Pennsylvania Defendants’ motion to dismiss (Doc. No. 24) is **GRANTED**, and Plaintiff’s Eighth and Fourteenth Amendment claims are **DISMISSED WITHOUT PREJUDICE**;
3. Plaintiff is **GRANTED** leave to file a second amended complaint against the Pennsylvania Defendants with respect to his Eighth and Fourteenth Amendment claims;

4. Plaintiff shall file his second amended complaint against the Pennsylvania Defendants within **thirty (30) days** of the date of this Order;
5. Plaintiff's motion for a temporary restraining order and preliminary injunction (Doc. No. 37) is **DENIED**; and
6. Plaintiff's request for entry of default (Doc. No. 35) is **STRICKEN**.

s/ Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge